

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DEREK F.C. ELLIOTT,  
Defendant.

Case No. 12-cr-00678-MMC-2

**ORDER DENYING DEFENDANT'S  
MOTION FOR MODIFICATION OF  
IMPOSED TERM OF IMPRISONMENT;  
EXTENDING DATE TO SELF-  
SURRENDER**

Re: Dkt. No. 440

Before the Court is defendant Derek F. C. Elliott's ("Elliott") Motion, filed May 8, 2020, "for Modification of Imposed Term of Imprisonment," by which motion Elliott requests he be allowed to serve the entirety of his prison term in home confinement, in light of the current COVID-19 pandemic. Having read and considered the motion, the Court rules as follows.

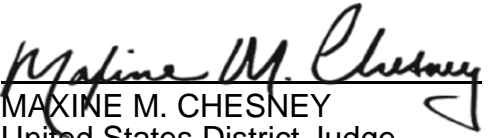
Elliott brings his motion under 18 U.S.C. § 3582(c)(1)(A)(i), commonly referred to as a motion for compassionate release. As Elliott acknowledges, however, he is at present not in the custody of the Bureau of Prisons ("BOP") or, for that matter, in any custodial facility, and, consequently, there is no prison from which to release him. Moreover, even if he were at present in the custody of the BOP, he has failed to show that, based on his age or any medical condition, he falls within the group of individuals who have been identified by the Centers for Disease Control as being at a "high-risk for severe illness from COVID-19," see [www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html](http://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html), nor has he otherwise set forth any "extraordinary and compelling reasons" to warrant a reduction of his sentence. See 18 U.S.C. § 3582(c)(1)(A)(i).

1 Accordingly, the motion is hereby DENIED.

2 Nevertheless, given the reason for the relief sought, the Court finds it appropriate  
3 to extend, and hereby EXTENDS, from May 19, 2020, to October 19, 2020, the date by  
4 which Elliott is to self-surrender to the designated BOP facility.

5 **IT IS SO ORDERED.**

6  
7 Dated: May 11, 2020

  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California